

EDGEFIELD COUNTY COUNCIL

December 3, 2019

6:00 PM

County Council Chambers

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The Edgefield County Council held its regular meeting at 6:00 P. M. Tuesday, December 3, 2019 in the County Council Chambers, 225 Jeter Street, Edgefield, SC. Notice of this meeting was provided to The Edgefield Advertiser and others as requested.

**Members present**

Scott Cooper, Chairman  
Albert Talbert, Vice Chairman  
Arthur Biggs, Councilman  
Dean Campbell, Councilman  
Dr. Jacqueline Kennion, Councilwoman

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**Others present**

Tommy Paradise, County Administrator  
Bruce Cooley, Assistant Administrator/Finance Director  
Andrew Marine, County Attorney  
Jennifer Gilley, Clerk to Council  
and others as per list attached

Chairman Cooper called the meeting to order. The invocation was given by Pastor Bruce Cooley. The Pledge of Allegiance to the Flag was then recited.

**Approval of Agenda**

Motion to approve the December 3, 2019 agenda was made by Councilman Biggs, seconded by Councilman Campbell. Motion passed unanimously.

**Approval of Minutes**

Motion to approve the November 5, 2019 County Council minutes (Regular Meeting of Council) and the November 12, 2019 County Council minutes (Called Meeting of Council) was made by Councilman Talbert, seconded by Councilman Biggs. Motion passed unanimously.

**Guest Speakers**

1. Executive Director of Walk for Hope

Jennifer Daniels and Brittany Jenkins said that Mr. Tillman was unable to attend but they would be speaking on his behalf. They shared a plan for an event that is held the last Saturday of March annually and said that it will be at the Twin Lakes Airport in 2020. They explained this plan will focus on health and wellness as well as bridge Edgefield and Aiken communities together. Mrs. Daniels and Mrs. Jenkins also said that in the future there are plans for a health and wellness facility. They asked for support from the citizens and the county. They said monetary donations are welcome but also stated that attending the event would be support in helping the Walk for Hope become a successful event.

Chairman Cooper thanked them for coming and speaking on behalf of Mr. Tillman and said that he plans to attend the event. Councilwoman Kennion said that she too would plan on attending.

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**Comments from the Public**

1. Gloria Bynum – Mrs. Bynum told Council that she was pleased to announce the bushes have been added to the cement half circle in the Kneece Building Parking Lot. She said they would be back soon to present a model for the painting of the concrete wall in that same parking lot.
2. Linda Anderson – Mrs. Anderson said that she attends many of the Planning Commission meetings, the LMO meetings, the Comprehensive Plan meetings, any public comment input meetings and the County Council meetings. She said that she believes what is happening in the Merriwether area is not what the citizens of Merriwether want for the area. She explained citizens are not against development in the Merriwether area but they would like to see it be controlled. She said that she would like to see Council listen to the public input and try to meet those wants for the area.

**Reports**

There were no questions on the reports. Councilman Biggs did say that he has noticed there was no litter report for the last 4 months. Ms. Gilley said that she has contacted the Sheriff’s Office each month that one has not been submitted and was told there was no litter pick up those months due to no inmates volunteering. Councilman Biggs said he would like to receive a report saying there were no inmates and no litter pickup so there is a record on file.

**Consent Agenda**

None

**Public Hearing**

1. Public Hearing of Ordinance Number 19-20-765, “An Ordinance Authorizing the County of Edgefield to enter into a Lease of Real Estate in the Edgefield County Industrial Park.”  
There were no comments regarding this public hearing.

**Old Business**

1. Consideration of Approval of Third Reading of Ordinance Number 19-20-765, “An Ordinance Authorizing the County of Edgefield to enter into a Lease of Real Estate in the Edgefield County Industrial Park.”  
Chairman Cooper asked if there was anything new regarding this ordinance. Mr. Paradise said there have been no changes since the second reading.  
Motion to approve third reading of ordinance number 19-20-765 was made by Councilman Campbell, seconded by Councilman Talbert. Motion passed unanimously.

**New Business**

1. Consideration of Approval of Appointment to the Mobile/Manufactured Home Appeals Committee.  
Brett McNeill .....Appointment  
Motion to approve the appointment of Brett McNeill to the Mobile/Manufactured Home Appeals Committee was made by Councilman Biggs, seconded by Councilman Talbert. Motion passed unanimously.

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2. Consideration of Approval of Awarding Bid Number 11-14-2019-10 – Re-Roofing the Edgefield County Library to Gilstrap Roofing.

Company Name and Address	Bid Amount
Robert W. Nunnery Roofing Co. 1161 Dollard Road Summerton, SC 29148	\$48,936
IES Coatings PO Box 446 Conestee, SC 24636	\$40,880
The Red Shirt Guys Roofing PO Box 291569 Columbia, SC 29229	\$40,687.09
Porter Roofing Contractors, Inc. 4499-2 Columbia Road Martinez, GA 30907	\$31,451
Nunnery Roofing and Remodeling Co 2938 Lakeview Drive Sumter, SC 29154	\$46,860
Frizzell Construction Company Inc. DBA: Summit BSR Roofing 122 Woodlawn Ave Mt. Holly, NC 28120	\$35,500
Allcon Roofing 5 Space Drive Taylors, SC 29687	\$33,700
Coastal Commercial Roofing Co 4355 Adrian Hwy Conway, SC 29526	\$48,402
Benton Roofing 2421 Spartanburg Hwy East Flat Rock, NC 28726	\$41,775.74
Roofing Professionals Inc. 505 CDP Industrial Blvd. Grovetown, GA 30813	\$45,400

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Lloyd Roofing Company, Inc. 2415 Montague Ave. Ext PO Box 49308 Greenwood, SC 29649	\$46,400
Premier Roofing PO Box 1551 Easley, SC 29641	\$27,989
Land Roofing Co. 208 Pear Street Sumter, SC 29150	\$44,800
All South Roofing 514 Georgia Ave North Augusta, SC 29841	\$37,699
<b>Gilstrap Roofing</b> <b>1512 Easley Bridge Road</b> <b>Greenville, SC 29610</b>	<b>\$25,800</b>

Mr. Paradise told Council that staff received bids for the reroofing of the County Library and are recommending awarding the bid to Gilstrap Roofing for the amount of \$25,800. He said the company is license by the SC Contractor’s Board as a Specialty Roofing Contracting with a contract limit of \$1.5 million and a review of license found no disciplinary orders.

Councilwoman Kennion asked what staff members reviewed the bids. Mr. Paradise said that Ms. Gilley and Mrs. Potts held the bid opening and that he and Joe Simpson, the Maintenance Director, reviewed the content of the bid package to be sure the standards in the bid packet were met. Councilwoman Kennion said that she didn’t believe this should be awarded to Gilstrap because she doesn’t believe the lowest bid will provide quality workmanship. She asked what else other staff members know about this company. She said that she recognizes the names of other bidders but didn’t recognize Gilstrap Roofing. She went on to say that she believes Councilmembers should further research this bid package prior to approving a bid. Councilman Talbert said that when he’d asked Mr. Paradise towards the beginning of November how many bids had come in, he was told there was only one or two and he wanted to know why there are so many now. Mr. Paradise said the bid cut-off date was November 14<sup>th</sup> and we received the majority of the bid packets closer to the cut-off date. Councilman Talbert said he didn’t have any issues with awarding the bid to Gilstrap Roofing. Councilwoman Kennion made a motion to continue this item of business until the January 2020 meeting, seconded by Councilman Talbert. This entered Council into discussion. Mr. Paradise asked Council what the direction were for staff to be working on between this meeting and the January 2020 meeting. Councilwoman Kennion asked if Mr. Paradise was referring to himself when he said staff. He answered “yes.” Councilwoman Kennion said that she would like for Council to sit in with Mr. Paradise to review these bid packages. County Attorney Marine said that all of Council cannot do this because that would be a quorum. Chairman Cooper said she could amend the motion to state a committee of two Council members meet with Mr. Paradise to review the bid packages.

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Councilwoman Kennion made a motion to amend the original motion to specify that two Council members meet with Mr. Paradise to review the bid packages, seconded by Councilman Talbert. This entered Council into discussion. Councilman Biggs said there were 15 bids and there were several that were close to \$25,800. He said that he doesn't want Council to set a precedent of awarding bids with a higher bid amount with no justification. Councilman Campbell asked Mr. Paradise what the ordinance says in a situation like this one. He said there were many bidders that met all of the criteria set forth in the bid package and he wanted to know if Council was even allowed to move forward with a higher bid with no justification. Mr. Paradise said he didn't have the ordinance in front of him and that he couldn't say with certainty that Council wasn't allowed to award a higher bid with no justification but that he could say, that is not how bid packages have been awarded in the past. Chairman Cooper said that he has confidence in Mr. Paradise's research regarding Gilstrap Roofing and that he believes Council should take the recommendation. Chairman Cooper asked for a vote on the motion to amend that was made by Councilwoman Kennion. Motion failed 2-3 with Councilman Campbell, Councilman Biggs and Chairman Cooper voting against. Chairman Cooper asked for a vote on the main motion to continue this item of business to the January 2020 meeting. Main motion failed 0-5 with no one voting in favor of the main motion.

Motion to approve awarding Bid Number 11-14-2019-10 – Re-Roofing the Edgefield County Library to Gilstrap Roofing was made by Councilman Biggs, seconded by Councilman Campbell. Motion passed 4-1 with Councilwoman Kennion abstaining.

\*Chairman Cooper noted that he would be recusing himself from the items of new business numbered 3-5 because his family's property is adjacent to the property in those items of business. He explained that Vice Chair, Albert Talbert would run the meeting during those items of business. Chairman Cooper turned in a recusal statement to Ms. Gilley and stepped out of the room while the remaining Councilmembers voted. The recusal form is on file in Ms. Gilley's office with the minutes of this meeting.

3. Consideration of Approval of First Reading of Ordinance Number 19-20-766, "An Ordinance to Zone 101 Acres of Land, more or less, Owned by SLH Investments to Planned Development (PD) and Approve the Concept Plan for said Property's Development."

Mr. Paradise said this request is to zone 101 acres to Planned Development and approve the concept plan for Tavern Hill Subdivision. The property is currently un-zoned. Mr. Paradise explained that if approved, the rezoning application will allow the project to be developed as outlined to Council. Tavern Hill Subdivision will include 212 residences with price points between \$300,000 and \$450,000.

Councilman Biggs stated that he understands that during the comprehensive plan discussion, Council has emphasized that more green space is needed. He said this is based on what Council heard from the public. He noted this plan included green space in the amount of forty percent. He said he believes Council is doing everything they can to grants the wishes of the community while they also follow the law. Councilman Biggs also noted that since this is a planned development, any changes more than 10% of the plan would require approval from the Planning Commission, three readings from County Council and a public hearing. Mr. Paradise noted that with a regular subdivision with 12,000 square foot lots, 288 lots would be allowed in this 101 acres. He said that is less density that with the proposed amount 212 of houses in this plan. Councilman Campbell said this property sits directly next to,

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Chairman Cooper's property. He went on to say that in June, the Comprehensive Plan was passed. On the third reading of the Comprehensive Plan, Council made changes to that ordinance. He said one of those items in particular affects this item of business directly. He said those changes have now come up twice in the public comments section, once as late as the November meeting, where Mrs. Ginny Hartwig said she believed County Council had illegally voted to change the Comprehensive Plan. Councilman Campbell said in that vote, recommended by the Chairman, the change regarding density allowed in estate residential zoned areas, and went from allowing, on average, 1 house per 5 acres to 2 houses per 5 acres. He said this allows for, on average, double the amount of houses. He said this is the effect of the change that was made in the Comprehensive Plan that passed 3-2. He said due to that change, Tavern Hill will be allowed to have higher density than if the change had not been made at third reading of the Comprehensive Plan. He noted that he wanted to bring this to Council's attention since this is the first time since that meeting in June that the estate residential zone has come up in items of business. He said Windsor was not in the estate residential zone. He said that he just wanted it noted that "words matter" and that he believes this is the reasoning for the complaints from the citizens like Mrs. Anderson's comments earlier in the meeting. He said that he will be supporting this because it fulfills the requirements set forth in the Comprehensive Plan and that he can't legally can't do anything about the way the Comprehensive Plan was changed.

Councilman Talbert thanked Councilman Biggs and Councilman Campbell for their comments. He said they work hard to listen to the comments from the public but he believes that sometimes Council just has to "bite the bullet" and move forward.

Motion to approve first reading of ordinance number 19-20-766 was made by Councilman Biggs, seconded by Councilwoman Kennion. Motion passed 4-0 with Chairman Cooper recusing.

4. Consideration of Approval of Resolution Number 19-20-1061, "A Resolution Authorizing the County Council Chairman, on Behalf of Edgefield County Council, to enter into a Memorandum of Understanding with the Edgefield County Water and Sewer Authority regarding funding and building of a sewer line along Stephens Road to serve a Proposed Development."

Mr. Paradise said the Strategic Plan adopted by Council identifies a goal of partnering with public and private sector to improve and expand existing infrastructure. Edgefield County has an opportunity to partner with the Edgefield County Water and Sewer Authority to provide sewer service to a proposed development on property currently owned by the SLH Investments. Mr. Paradise said the development by a private party is anticipated to consist of 212 dwelling units with price points from \$300,000 to over \$450,000. This agreement would be a 25/75 percent cost share with Edgefield County Water and Sewer Authority and the cost of the improvements will be reimbursed by fees passed on to the developers. He said the maximum cost for Edgefield County has been capped at \$162,500. Funding for this project is available from the County Council budget line for Sewer MOU Funding.

Councilman Campbell said the bold paragraph says \$162,500 and the MOU says \$165,000. He wanted clarification on the correct number. Mr. Paradise said the correct number is \$162,500 and he recommends Council made that amendment. Councilman Campbell also said that he believes this will deplete the Sewer MOU Funding line item. Mr. Paradise told Councilman Campbell that he was correct.

Motion to approve resolution number 19-20-1061 with the amendment for the agreement to read \$162,500 instead of \$165,000 was made by Councilman Campbell, seconded by Councilwoman Kennion. Motion passed 4-0 with Chairman Cooper recusing.

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5. Consideration of Approval of Resolution Number 19-20-1062, "A Resolution Authorizing the County of Edgefield to Enter into a Development Agreement with SLH Investments and Edgefield County Water and Sewer Authority."

Mr. Paradise said the resolution authorizes the Council Chairman to sign a Development Agreement between ECWSA and SLH Investments. He explained this agreement explains detailed items that each entity is expected to do in order for the development to proceed.

Councilman Campbell asked if there was any difference in this resolution versus the resolution that was passed with Windsor. Mr. Paradise said the resolution with Windsor included a greenway that will be acquired by Edgefield County but this agreement doesn't have a greenway, so that is the only difference. Councilman Campbell said the resolution says 212 units, he asked if they completed less or more units, if that would create an issue. Mr. Paradise said this wouldn't be an issue. He said this number was used for the initial calculation for fees and those fees can be adjusted due to the provision listed in the agreement for additional growth. Councilman Campbell said that he knows the developer isn't in attendance at this meeting, and told Mr. Paradise that he would like for the developer to be available at second reading of the ordinance just in case Council has specific questions. Mr. Paradise said he would tell the developer.

Motion to approve resolution number 19-20-1062 was made by Councilman Campbell, seconded by Councilman Biggs. Motion passed 4-0 with Chairman Cooper recusing.

\*Chairman Cooper returned to the meeting.

6. Consideration of Approval of Resolution Number 19-20-1063, "A Resolution Adopting the Edgefield County Emergency Operations Plan."

Mr. Paradise told Council this is a rewrite of the County's Emergency Operations Plan. The old plan was outdated and cumbersome. He said the new plan is updated to the standards set forth by the South Carolina Emergency Management Division and was sent to all agencies and organizations that are represented in the plan. He said they were given the opportunity to comment and make changes to the plan. Mr. Paradise said other than a few minor changes the agencies and organizations in the plan have approved the new plan. He went on to say the new plan can be pulled off the shelf and easily used by anyone in the Emergency Operations Center.

Motion to approve resolution number 19-20-1063 was made by Councilman Talbert, seconded by Councilwoman Kennion. Motion passed unanimously.

7. Consideration of Approval of a Memorandum of Understanding with DHEC for the storage and use of a multi-purpose trailer.

Mr. Paradise said the DHEC multi-purpose trailer consists of 2-bathroom suites. Each suite has a toilet, sink, shower, and two changing rooms. He explained this trailer can be used for decontamination, special events, and during a disaster or an emergency. Mr. Paradise said Edgefield County has use of this trailer at any time as a condition of housing it. He told Council all regular maintenance of the trailer is paid for by DHEC and will be housed at the maintenance shop under the three-sided shed.

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Councilman Biggs asked if housing this trailer under our shed, would put any of the County's equipment or vehicles out in the elements. Mr. Paradise told him that would not be the case, he said DHEC awarded Edgefield County a grant to build a shed to house this trailer.

Motion to approve a memorandum of understanding with DHEC for the storage and use of a multi-purpose trailer was made by Councilman Biggs, seconded by Councilman Talbert. Motion passed unanimously.

8. Consideration of Approval of a Memorandum of Understanding with DHEC for the storage and use of a Point of Dispensing (POD) Trailer.

Mr. Paradise said the POD trailer houses all the supplies needed (tables, tents, signs, etc.) to set up a point of dispensing site. A POD is needed when there is a need to distribute medications to a large number of people in a short time frame. He said this trailer is currently behind Strom Thurmond High School and if approved this MOA would move the trailer to the three-sided shed at the maintenance shop. He also noted that all maintenance for this trailer would also be covered by DHEC.

Councilman Campbell asked if medications would be kept in the trailer while it is in storage. Mr. Paradise said there would be no medications stored in the trailer.

Motion to approve a memorandum of understanding with DHEC for the storage and use of a Point of Dispensing (POD) trailer was made by Councilman Campbell, seconded by Councilman Talbert. Motion passed unanimously.

9. Consideration of Approval of Appointment to GLEAMNS.

Marcella Edwards .....Appointment

Councilman Campbell asked if this was for the Private Sector seat. Chairman Cooper said that is correct.

Motion to approve the appointment of Marcella Edwards to GLEAMNS was made by Councilman Talbert, seconded by Councilwoman Kennion. Motion passed unanimously.

**Executive Session**

None

**Comments from the Public**

1. Linda Anderson – Mrs. Anderson stated that at the last County Council Meeting, Mrs. Ginny Hartwig asked a question regarding the legalities of how a certain item of business was voted on several months ago. Mrs. Anderson asked if the County Attorney had an answer to Mrs. Hartwig's question. Chairman Cooper said the County Attorney did have an answer and that it would be given during the Comments from the Chairman.

2. Rick Berry – Mr. Berry told everyone he is the President of the Edgefield Interagency Council. He thanked everyone for their participation and support. Mr. Berry gave a brief update on the work they've done to help the homeless population. He also invited everyone to attend their regular meetings held on Third Wednesday of each month.

Council thanked Mr. Berry for the work that he is doing in Edgefield County.



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**County Administrator's Report**

Mr. Paradise started his report by providing Council with a status update on the search for a Finance Director. He said he'd made a conditional offer for the position to Dana Waters for a salary of \$48,000 and that she had verbally accepted the offer. He said she currently works for the Edgefield County School District and will need to work with them to determine her actual start date, but staff anticipates two weeks as she seems eager to start. He said prior to offering the position, she passed a finance skills test and also met with the other members of the Administration Office. All of the staff had positive comments after they talked. Mr. Paradise said Mrs. Waters is from the Orlando area. She has previously worked for the City of Webster, Florida as the city clerk with the responsibilities of utility billing, payroll, general ledger reconciliation, budget, and accounts payable along with other duties. Mr. Paradise said she also worked for the Sumter Florida Sheriff's Department as an HR Manager/Finance assistant where she was responsible for assisting the Finance Director with various finance department responsibilities to include processing of payroll for over 200 employees. She worked as the city clerk/administrator for the City of Mascotte, FL with responsibilities including utility billing, payroll, general ledger reconciliation, budget, accounts payable and annual audit. Mr. Paradise said he has talked with several of the towns and Sheriff's Department in Florida and had not received any negatives. Mr. Paradise went on to say that while she does not have a degree, in addition to her experience she has received training in basic bookkeeping/accounting, government accounting and auditing, developing and communicating the city budget.

Next, Mr. Paradise told Council that on November 8th the bidding for the Neighborhood Center closed and bidders did not meet the reserve of \$50,000 that was set by Council. He said the high bid was \$47,000 and after polling Council members, except Councilman Biggs who wasn't available at the time, all agreed that staff should accept the bid. He reported that Ms. Gilley offered to accept the bidder's price of \$47,000, but the bidder declined. He said staff was unsuccessful in selling the building.

Mr. Paradise then moved on with his report and said Saluda County requested a meeting with representatives from Edgefield and McCormick Counties concerning the housing of the Department of Juvenile Justice. He explained that currently Saluda County houses the offices that service the tri-county region and each county pays them a proportion. Saluda County now needs the office space for storage for their new election machines and would like to have the offices moved to either Edgefield or McCormick counties. Mr. Paradise said Edgefield County does not have facilities to house the additional state office since the Neighborhood Center was closed and determined to be surplus real estate for sale. He did say that if Council wished, they could consider reopening this building for use by the Department of Juvenile Justice.

Mr. Paradise told Council that he talked with Sheriff Dobeay concerning the recruitment of deputies and jailers. He said the Sheriff's Office is going to use surplus money from salaries from open positions to provide incentives to recruit new deputies and jailers in the form a sign on bonus. He explained that if a deputy relocates from another county to reside in Edgefield County they will receive a \$500 moving allowance/bonus. If a current employee of the Sheriff's Office recruits a new deputy or jailer the recruiting officer will receive a bonus of \$500 and the new deputy or jailer will receive a bonus of \$1,000.

Mr. Paradise then told County the preliminary plat for Phase 1 of Windsor Subdivision has been approved by the Planning Commission. He reported the sewer line extension along Murrah Road for this project has been put out to bid by Edgefield County Water and Sewer Authority (ECWSA) and the

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bid opening is scheduled for December 10, 2019. He said a called meeting of the ECWSA board is anticipated for December 16th to formally award this bid.

Next, Mr. Paradise said the cell town at the Merriwether Community Center was approved by the Planning Commission. He also said the representative working for Verizon told him that she knew Edgefield County needs more towers and would be working toward providing better coverage in the County.

Mr. Paradise then told Council the Delinquent Tax sale was held on December 2, 2019 and staff sold 169 parcels.

Mr. Paradise reported that staff met with Mosely Architects and will be moving forward with the Space Needs Study for a new Law Enforcement Center.

Next, Mr. Paradise told Council building permit values for January through the end of November 2019 totaled \$49.5 million dollars (\$35.5 million for Residential Construction and \$14 million for Commercial Construction). He said this exceeded the \$34.9 million that was the total for January through December 2018.

Mr. Paradise told Council the South Carolina Workers' Compensation Trust recently completed the 2018-2019 audit. He said the County received a check back in the amount of \$8,434.

Mr. Paradise closed his comments by recognizing Bruce Cooley, Finance Director, for the work he has done. Mr. Paradise said Mr. Cooley was a benefit to him and the County. He said he would miss working with Mr. Cooley because they worked well together. Mr. Paradise thanked Mr. Cooley for his work with Edgefield County.

Councilman Biggs thanked Mr. Cooley for his service to Edgefield County.

**Comments by County Council Chair**

Chairman Cooper said that at the November 5, 2019 meeting, Mrs. Hartwig made a comment questioning the procedural process used for third reading of the Comprehensive Plan. He said County Attorney, Andrew Marine, researched the process to see if any errors were made or if the vote needed to be retaken. Chairman Cooper asked Mr. Marine to give his opinion on this matter.

Mr. Marine said:

On July 4, 2019 at third reading, Council amended several portions of the proposed Land Management Ordinance regarding lot sizes. (Note – Mr. Marine miss-spoke at the meeting and this sentence should have said, “On June 4, 2019 at third reading, Council amended several portions of the proposed Comprehensive Plan Ordinances regarding lot sizes.) A question has been raised by a citizen whether the ordinance was properly amended by council. At the heart of the issue is whether Council has a right to amend an ordinance at the third reading.

**Edgefield County Ordinances**

Section 2-52 of the Edgefield County Code of Ordinances outlines our Rules of Parliamentary Procedure (“Edgefield County Rules”). These Rules delineate the procedure for passing ordinances and resolutions along with the parliamentary procedure during Council meetings. Rule 3 of Edgefield County Rules state that Robert’s Rules of Order govern procedures not covered by Section 2.52.

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Contrary to the citizen's statement at November's meeting, Robert's Rules of Order is not our absolute order of procedure. Rule 2-52 of the Edgefield County Rules is. Roberts Rules of Order does not address the reading of ordinances nor the passages of ordinances by county council.

The question raised by the constituent is: "Does Council have the right to amend an ordinance on its third reading?"

For this memo, I have reviewed our Ordinances, the State Code, the South Carolina Attorney General Opinions ("AG Opinions") and case law. There are no explicit South Carolina Supreme Court opinions on this issue.

**So the question is "Does Council have the right to amend an ordinance on its third reading?"**

Rule 9 of the Edgefield Rules states that "proposed ordinance shall be in writing and in the form required for final adoption." This section outlines the form of the ordinance but does not address changes in the contents or substance of the underlying ordinance (in this case an attachment to the ordinance).

South Carolina Code §4-9-120 is the state law outlining procedure for adoption of ordinances by county councils. The State language is very similar to our ordinance.

The only AG Opinion which is directly on point with our question is dated November 25, 1986. In that opinion, the AG's Office was answering a question from the City of Laurens whether the Laurens City Council may amend an ordinance at the time of second reading. [Note: The state municipal code, which is different from the county code section of the state law, states that a municipal ordinance only needs two readings, not three as in the Edgefield County Code of Ordinances]. The language of SC Code §5-7-270 of the Code of Laws of South Carolina (Municipal Code) is very similar to SC Code §4-9-130 whereby every proposed ordinance shall be introduced in writing and in the form required for final adoption.

In the November 25, 1986 Opinion the AG states that, "Each municipality shall by ordinance establish its own rules and procedures as to adoption of ordinances." This is similar to our ordinance.

SC Code §5-7-270 is silent as to the amendatory procedure of proposed ordinances. It neither specifically authorizes nor prohibits such amendments similar to our Rules.

The Attorney General then opined that, "The legislature apparently left such an action to the discretion of a municipality's governing body by the establishment of rules relative to the adoption of ordinances."

The State AG then quotes a March 17, 1976 Opinion which states that:

Section [5-7-270] goes on to allow each municipality to establish its own rules and procedures as to the adoption of ordinances and, [in the writer's opinion], there is no language in that Section which would prohibit a municipality from providing in its rules and procedures that proposed ordinances may be amended on second reading.

Based on the foregoing, and especially upon the prior practices of Laurens City Council, we would conclude that amendment of a municipal ordinance upon second reading would be permissible.

**Conclusion**

Based on the history of amendments at third reading (including our budget ordinances), and our Code of Ordinances silence on the matter, it is appropriate at third reading to make amendments, much in the manner that our legislature and municipalities can make changes before final enactment.

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From review of the June 2019 Council Minutes, there is nothing inappropriate about the motion made by Scott Cooper to amend the ordinance prior to final vote.

By Rule 17 of Section 2-52 of our Ordinances, a motion to reconsider a third reading must be made, "only at the same meeting in which the third reading was adopted." This means to reconsider the motions made, the matter had to be handled at the June 2019 meeting.

Chairman Cooper thanked Mr. Marine for giving his opinion and then continued with his comments.

Chairman Cooper said there are several meetings coming up:

1. Called County Council Meeting – January 16, 2020 at 4:45PM in the County Council Chambers
2. County Council Retreat – January 16, 2020 from 5-9PM in the County Council Chambers
  - 5PM – Finance lead by Chairman Cooper
  - 6PM – Land Management Ordinance lead by Councilman Biggs
  - 7PM – Recreation lead by Councilwoman Kennion
  - 8PM – Miscellaneous Discussion lead by County Administrator, Tommy Paradise
3. Intergovernmental Meeting – January 27, 2020 in the Seniors Citizens Center

Chairman Cooper told everyone that all constituents are always welcome to reach out directly to their Council member at any time and that they don't have to wait until the meetings to do so. He also noted the County Administrator is available Monday through Friday as well. He also mentioned they are welcome to reach out to whoever is elected to serve as Chair of Vice-Chair, as they have been elected to represent Council.

He went on to say that he and Councilman Talbert recently attended the annual SC Councils of Government meeting. He said attending these events help further their knowledge on items and represent the citizens of Edgefield County. He said the networking is also very valuable. Chairman Cooper noted that he and Mr. Talbert spoke with Patricia Hartung in regards to possibly having a new jail that serviced multiple counties similar to Edgefield County's other Tri-County agreements. Chairman Cooper said that he and Councilman Talbert also had dinner with Senator Floyd Nicholson and his wife, who represents Greenwood. He said they too spoke about some partnerships that may be beneficial to both parties in the future.

Chairman Cooper briefly spoke about Representative Clyburn and his passion for rural broadband at the Federal Level. He encouraged the citizens to contact their Federal Representatives to try and bring more light to this need in Edgefield County.

Chairman Cooper thanked Mr. Cooley for his services to Edgefield County. He also thanked him for saying the opening invocation at each of the County Council Meetings. He told Mr. Cooley he was thankful to have been able to work with him. Chairman Cooper then welcomed Mrs. Dana Waters who will take the Finance Director position effective January 1, 2020.

Chairman Cooper closed his comments by saying that he had a recommendation on how to choose who would give the invocation moving forward, if Council agreed. He said each month, the County Council

EDGEFIELD COUNTY COUNCIL

December 3, 2019

6:00 PM

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Members could rotate the invocation or during their month, they could ask their Preacher/Pastor to come and give the invocation. He said he would invite a Pastor for the January meeting.

**Adjourn**

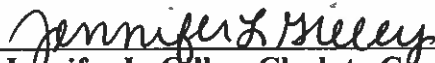
Councilman Campbell made the motion to adjourn at 7:40PM, seconded by Councilman Talbert. Motion passed unanimously.

Edgefield County Council



H. Scott Cooper, Chair

ATTEST



Jennifer L. Gilley, Clerk to Council